

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:			
Lhote et al.	:	Art Unit:	Not yet assigned	
Serial No.	10/564,366	:	Examiner:	Not yet assigned
I.A. Filing Date:	12/06/2004	:	Atty Dkt:	6222.480
For:	PRESSURE RELIEF EXHAUST BRAKE			

**PETITION FOR NONSIGNING INVENTOR
PURSUANT TO 37 C.F.R. §§ 1.497(b) and 1.47**

United States Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Dear Sir:

This Petition is made by inventor Gabriel Gavril on his behalf, and on behalf of non-signing co-inventor Andre F. Lhote. Mr. Lhote has failed to execute the declaration despite Applicants' good faith efforts to obtain same. Applicants submit the Declaration of William C. Schrot in support of this Petition.

Submitted herewith is Applicants' Response to the Notification of Missing Requirements, including a supplemental Declaration signed by inventor Gabriel Gavril on behalf of Andre Lhote. All other co-inventors have already signed the initially submitted Declaration.

In light of the circumstances, it is respectfully requested that Mr. Gavril be permitted to make the application on behalf of Mr. Lhote pursuant to 37 C.F.R. §§ 1.497(b) and 1.47(a). The requisite fee is attached hereto. It is believed that no other

fees are due with this submission. Should that determination be incorrect, then please debit Account No. 50-0548 and notify the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. Schrot', with a long horizontal stroke extending to the right.

William C. Schrot
Registration No. 48,447
Attorney for Applicants

Berenato, White & Stavish, LLC
6550 Rock Spring Drive, Suite 240
Bethesda, Maryland 20817
Telephone: (301) 896-0600
Facsimile: (301) 896-0607
Email: wschrot@bwsiplaw.com

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I.A. Filing Date:	12/06/2004	:	Atty Dkt:	6222.480
For:	PRESSURE RELIEF EXHAUST BRAKE			

**DECLARATION OF WILLIAM C. SCHROT IN SUPPORT
OF PETITION FOR NON-SIGNING INVENTOR**

I, William Schrot, hereby declare as follows:

1. I am an attorney associated with the law firm of Berenato, White & Stavish, LLC, and am familiar with the above-captioned application.
2. On December 6, 2004, Applicant Jenara Enterprises Ltd. ("Jenara") of Surrey, British Columbia, Canada, filed International Application No. PCT/CA2004/002080, entitled Apparatus and Method for Pressure Relief in an Exhaust Brake. Exhibit A.
3. All inventors of International Application No. PCT/CA2004/002080 executed an assignment to Jenara Enterprises Lt. Exhibit B.
4. Mr. Lhote executed the assignment to Jenara in January 2005. Exhibit B.
5. The assignment to Jenara provides that assignors assigned all right, title and interest in and to the subject invention, and in and to any Letters Patent which may hereafter be granted on the same in all countries throughout the world. Exhibit B.
6. The assignment to Jenara also specifically states, "Assignors further agree that they will ... cooperate with Assignee in the prosecution of said application and/or applications, execute, verify, acknowledge and deliver all such further papers, including applications for Letters Patent and for the reissue thereof, and instruments of assignment and transfer thereof, and will perform such other acts as Assignee lawfully may request, to obtain or maintain Letters Patent for said invention and improvement in any an all countries, and to vest title thereto in said Assignee, or Assignee's successors and assigns." Exhibit B.

7. International Application No. PCT/CA04/02080 entered the national phase before the U.S. Patent & Trademark Office on January 12, 2006 as application Serial No. 10/564,366. A declaration executed by four of the five inventors, Vincent A. Meneely, Gabriel Gavril, and Tamara Spence, and John P. Hartley, was submitted therewith. Exhibit C.
8. The fifth inventor, Andre F. Lhote, failed to execute the declaration. Exhibit C.
9. Accordingly, a Notification of Missing Requirements was mailed May 11, 2006, indicating that the current declaration failed to comply with 37 C.F.R. § 1.497(a) and (b) because the signature of the first inventor, Mr. Lhote, was missing.
10. It is our understanding that Jenara attempted to obtain an executed declaration for the '366 application from Mr. Lhote, and that Mr. Lhote has refused to cooperate in signing a declaration despite his obligations under the assignment to Jenara.
11. Nevertheless, our firm made additional efforts to join Mr. Lhote in the '366 application:
 - By letter dated May 30, 2006, I sent a copy of the application and a declaration to Mr. Lhote to his address at 2992 Byrne Road, Burnaby, British Columbia, V5J 3H9, Canada, via Federal Express. Exhibit D.
 - By letter dated June 21, 2006, I sent another copy of the application and a declaration to Mr. Lhote to his address at 2992 Byrne Road, Burnaby, British Columbia, V5J 3H9, Canada, via Federal Express. Exhibit E.
 - Our firm was contacted by Federal Express indicating that the address for the letter dated June 21, 2006 was incorrect. I provided a corrected address of 4992 Byrne Road, Burnaby, British Columbia, V5J 3H9, Canada, to Federal Express. Exhibit F.
 - The June 21, 2006 correspondence, including a copy of the application and declaration, was re-delivered to Mr. Lhote by Federal Express with the corrected address at 4992 Byrne Road, Burnaby, British Columbia, V5J 3H9, Canada. Exhibit F.
 - By letter dated July 5, 2006, I sent a third copy of the application and a declaration to Mr. Lhote to the corrected address at 4992 Byrne Road, Burnaby, British Columbia, V5J 3H9, Canada, via Federal Express. Exhibit G.
12. To date, Mr. Lhote has failed to provide an executed declaration for the subjection application.

13. We have been advised by Ryan Marander, Project Manager for Pacbrake Company, a wholly owned subsidiary of Jenara, that Mr. Lhote hand returned the June 21, 2006 Federal Express package to Cathy Hailey, Pacbrake's Purchasing Manager, stating "I can't sign this". See Exhibit H.
14. In light of Mr. Lhote's failure to sign the declaration, we request that Mr. Gavril be permitted to proceed with application Serial No. 10/564,366 on behalf of non-signing co-inventor Andre F. Lhote pursuant to 37 C.F.R. §§ 1.497(b) and 1.47(a).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



William C. Schrot

Dated: July 10, 2006

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Lhote et al.	:	Art Unit:	Not yet assigned
Serial No.	10/564,366	:	Examiner: Not yet assigned
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For:	PRESSURE RELIEF EXHAUST BRAKE		

**DECLARATION OF WILLIAM C. SCHROT IN SUPPORT
OF PETITION FOR NON-SIGNING INVENTOR**

EXHIBIT A

(19) World Intellectual Property
Organization
International Bureau



(43) International Publication Date
30 June 2005 (30.06.2005)

PCT

(10) International Publication Number
WO 2005/059333 A1

(51) International Patent Classification⁷: **F02D 9/06**

(21) International Application Number:
PCT/CA2004/002080

(22) International Filing Date: 6 December 2004 (06.12.2004)

(25) Filing Language: English

(26) Publication Language: English

(30) Priority Data:
2,453,593 16 December 2003 (16.12.2003) CA

(71) Applicant (for all designated States except US): JENARA
ENTERPRISES LTD. [CA/CA]; 19594 - 96th Avenue,
Surrey, British Columbia V4N 4C3 (CA).

(72) Inventors; and

(75) Inventors/Applicants (for US only): LHOFE, Andre, F.
[CA/CA]; 4992 Byrne Road, Burnaby, British Columbia

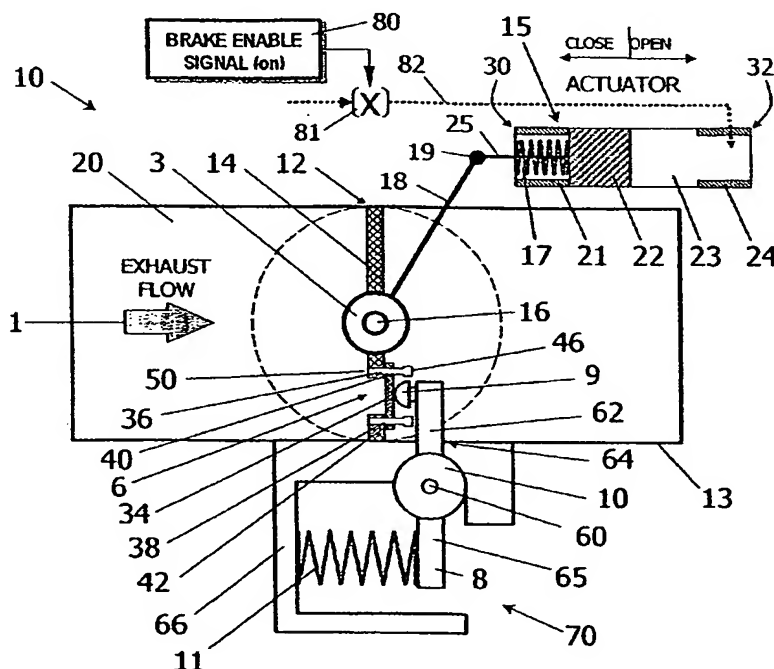
V5J 3H9 (CA). MENEELY, Vincent, A. [CA/CA]; 19596
96th Avenue, Surrey, British Columbia V4N 4C3 (CA).
GAVRIL, Gabriel [CA/CA]; 2009 Birch Grove, Burnaby,
British Columbia V5A 4A3 (CA). SPENCE, Tamara
[CA/CA]; 36192 Cassandra Drive, Abbotsford, British
Columbia V3G 2M6 (CA). HARTLEY, John, P. [US/US];
8894 Giles Road, Blaine, WA 98230 (US).

(74) Agent: CAMERON, Norman, M.; 1401 - 1166 Alberni
Street, Vancouver, British Columbia V6E 3Z3 (CA).

(81) Designated States (unless otherwise indicated, for every
kind of national protection available): AE, AG, AL, AM,
AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN,
CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, EG, ES, FI,
GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE,
KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD,
MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OM, PG,
PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM,
TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM,
ZW.

[Continued on next page]

(54) Title: APPARATUS AND METHOD FOR PRESSURE RELIEF IN AN EXHAUST BRAKE



(57) Abstract: An exhaust brake has a body with a passageway for exhaust gases therein. A valve member is movably located within the passageway for selective movement between an open position where the valve member opens the passageway and exhaust gases are free to move through the passageway and a closed position where the valve member blocks the passageway and the passage of exhaust gases through the passageway. The valve member has an aperture therethrough to permit a limited flow of exhaust gases through the aperture when the aperture is open. An exhaust valve actuator mechanism is coupled to the valve member for moving the valve member between the open position and the closed position. A closure member is positioned adjacent to the aperture. The closure member has an open position where the closure member is spaced apart from the valve member and permits a flow of exhaust gases through the aperture and the closure member having a closed position where the closure member contacts the valve

member about the aperture and inhibits a flow of exhaust gases through the aperture. An actuator member operatively engages the closure member. There is a relief actuator mechanism, the relief actuator mechanism including an actuator member that operatively engages the closure member. The relief mechanism brings the closure member into operative engagement with the valve member with sufficient force, when the valve member is closed, to maintain the closure member in the closed position when the exhaust gases are below a predetermined pressure.

WO 2005/059333 A1

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**DECLARATION OF WILLIAM C. SCHROT IN SUPPORT
OF PETITION FOR NON-SIGNING INVENTOR**

EXHIBIT B

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Jenara Enterprises Ltd.

Application No./Patent No.: _____ Filed/Issue Date: _____ Filed Herewith

Entitled: PRESSURE RELIEF EXHAUST BRAKE

Jenara Enterprises Ltd., a corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

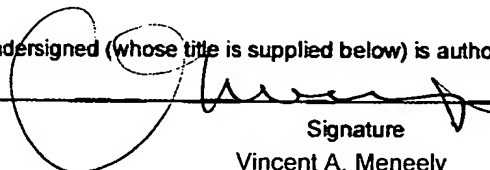
1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.



Signature
Vincent A. Meneely

25/07/05

Date

Printed or Typed Name

Telephone Number

Chief Executive Officer

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

ASSIGNMENT

WHEREAS ANDRE F. LHOTE, VINCENT A. MENEELY, GABRIEL GAVRIL, TAMARA SPENCE, and JOHN P. HARTLEY of, 4992 Byrne Road, Burnaby, British Columbia, Canada, V5J 3H9; 2009 Birch Grove, Burnaby, British Columbia, Canada, V5A 4A3; 36192 Cassandra Drive, Abbotsford, British Columbia, Canada, V3G 2M6; 8894 Giles Road, Blaine, Washington, United States of America, 98230, respectively, hereafter referred to as "Assignors", have invented certain new and useful improvements as described and set forth in the international application for Letters Patent under the Patent Cooperation Treaty, filed the 6th day of December, 2004;

Title of Invention: APPARATUS AND METHOD FOR PRESSURE RELIEF IN AN EXHAUST BRAKE

WHEREAS JENARA ENTERPRISES LTD. of 19594 - 96th Avenue, Surrey, British Columbia, Canada, V4N 4C3, hereinafter referred to as "Assignee", is desirous of acquiring an interest in the said invention and application and in any Letters Patent which may be granted on the same;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that, for One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have sold, assigned and transferred, and by these presents do sell, assign and transfer onto the said Assignee, and Assignee's successors and assigns, all right, title and interest in and to the said invention and all future improvements thereon, the application aforesaid and all International Convention priority rights therewith, and in and to any Letters Patent which may hereafter be granted on the same in all countries throughout the world, the said interest to be held and enjoyed by said Assignee as fully and exclusively as it would have been held and enjoyed by said Assignors had this assignment and transfer not been made, to the full end and term of any Letters Patent which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to the said Assignee, but at Assignee's expense, cooperate with Assignee in the prosecution of said application and/or applications, execute, verify,

acknowledge and deliver all such further papers, including applications for Letters Patent and for the reissue thereof, and instruments of assignment and transfer thereof, and will perform such other acts as Assignee lawfully may request, to obtain or maintain Letters Patent for said invention and improvement in any and all countries, and to vest title thereto in said Assignee, or Assignee's successors and assigns.

Assignors hereby authorize Norman M. Cameron to enter herein any details including, but not restricted to, the date of execution of the application for Letters Patent, the date of execution and place of signing of this Assignment and to correct any errors appearing herein.

IN TESTIMONY WHEREOF, the first named Assignor has hereunto signed his name at:

this ____ day of January ~~2003~~ 2005

[Signature]
WITNESS

[Signature]
ANDRE F. LHOTE

36192

Address

IN TESTIMONY WHEREOF, the second named Assignor has hereunto signed his name at:

Packbrake Company

this 5 day of January ~~2003~~ 2005

[Signature]
WITNESS

[Signature]
VINCENT A. MENEELY

36192 Cassandra Dr

Abbotsford, B.C
Address

IN TESTIMONY WHEREOF, the first named Assignor has hereunto signed his name at:

this 22 day of December ²⁰⁰⁴
~~2003~~.


WITNESS

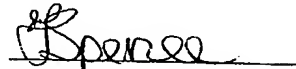

GABRIEL GAVRIL

Address

IN TESTIMONY WHEREOF, the first named Assignor has hereunto signed his name at:

this 22 day of December ²⁰⁰⁴
~~2003~~.


WITNESS


TAMARA SPENCE


2032 LORRAINE AVE.
COQUITLAM V3K 2M6

Address

IN TESTIMONY WHEREOF, the first named Assignor has hereunto signed his name at:

this 22 day of December ²⁰⁰⁴
~~2003~~.


WITNESS


JOHN P. HARTLEY

3619A Cassandra Dr
Abbotsford, B.C.
Address

PATENT

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In re Application of:	:		
Lhote et al.	:	Art Unit:	Not yet assigned
Serial No.	10/564,366	:	Examiner: Not yet assigned
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For:	PRESSURE RELIEF EXHAUST BRAKE		

**DECLARATION OF WILLIAM C. SCHROT IN SUPPORT
OF PETITION FOR NON-SIGNING INVENTOR**

EXHIBIT C

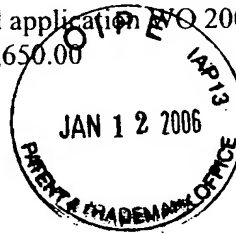
RECEIVED IN THE U.S. PATENT AND TRADEMARK OFFICE

is the National Phase Patent Application of
Lhote, et al.
Serial No.: To be assigned
Filed: Concurrently herewith
Title: PRESSURE RELIEF EXHAUST BRAKE

Enclosed:

1. Acknowledgment postcard
2. Declaration and Power of Attorney
3. Transmittal Letter to the United States Designated/Elected Office (DO/EO/US)...
4. Specification - 23 pp.
5. Drawings - 8 sheets
6. Copy of first page of published application No. 2005/059333 A1
7. Check No. 16389 for \$1,650.00
8. Copy of Written Opinion

Att. Dkt. No. 6222.480
JWB/dmg
January 12, 2006 – Via Courier



*Stamp &
Return*

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 6222.480
		U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
INTERNATIONAL APPLICATION NO. PCT/CA2004/002080	INTERNATIONAL FILING DATE 06 December 2004	PRIORITY DATE CLAIMED 16 December 2003
TITLE OF INVENTION PRESSURE RELIEF EXHAUST BRAKE		
APPLICANT(S) FOR DO/EO/US Andre F. Lhote, Vincent A. Meneely, Gabriel Gavril, Tamara Spence, and John P. Hartley		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input checked="" type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). Items 11 to 20 below concern document(s) or information included: 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter 2 and 37 CFR 1.821- 1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/CA2004/002080		ATTORNEY'S DOCKET NUMBER 6222.480	
20 Other items or information:					
The following fees have been submitted				CALCULATIONS PTO USE ONLY	
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)) \$300				\$ 300.00	
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))				\$ 200.00	
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) .. \$0					
All other situations .. \$200					
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b))				\$ 500.00	
If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) .. \$0					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority .. \$100					
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB .. \$400					
All other situations .. \$500					
TOTAL OF 21, 22 and 23 =				\$1,000.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h))				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	66 - 20 =	46	x \$50	\$2,300.00	
Independent claims	- 3 =		x \$200	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$	
TOTAL OF ABOVE CALCULATIONS =				\$ 3,300.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				\$1,650.00	
SUBTOTAL =				\$	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
TOTAL NATIONAL FEE =				\$ 1,650.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$1,650.00	
				Amount to be refunded:	\$
				Amount to be charged	\$

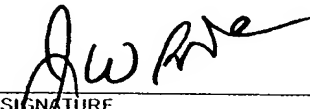
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☒ A check in the amount of \$ 1,650.00 to cover the above fees is enclosed
- b. ☐ Please charge my Deposit Account No _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No 50-0548. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Joseph W. Berenato, III
Berenato, White & Stavish, LLC
6550 Rock Spring Drive, Ste. 240
Bethesda, Maryland 20817
Phone: 301-896-0600
Fax: 301-896-0607
E-mail: jberenato@bwsiplaw.com



SIGNATURE
Joseph W. Berenato, III

NAME
30,546

REGISTRATION NUMBER

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

Declaration
Submitted
With Initial
Filing

OR

Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.18 (e))
required)Attorney Docket
Number

1001P19US

First Named Inventor

LHOTE, Andre F.

COMPLETE IF KNOWN

Application Number

Filing Date

Art Unit

Examiner Name

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PRESSURE RELIEF EXHAUST BRAKE

(Title of the Invention)

the specification of which



is attached hereto

OR



was filed on (MM/DD/YYYY)

12/06/2004

as United States Application Number or PCT International

Application Number

PCT/CA2004/002080

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
2,453,593	Canada	12/16/2003	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

(Page 1 of 2)

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION — Utility or Design Patent Application

Direct all correspondence to:		<input checked="" type="checkbox"/> The address associated with Customer Number:	28,410		OR	<input type="checkbox"/> Correspondence address below
Name						
Address						
City			State		ZIP	
Country		Telephone			Fax	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.						
NAME OF SOLE OR FIRST INVENTOR:				<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle (if any))				Family Name or Surname		
Andre F.				LHOTE		
Inventor's Signature						Date
Residence: City		State		Country		Citizenship
Burnaby		British Columbia		Canada		Canadian
Mailing Address						
4992 Byrne Road						
City		State		Zip		Country
Burnaby		British Columbia		V5J 3H9		Canada
NAME OF SECOND INVENTOR:				<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle (if any))				Family Name or Surname		
Vincent A.				MENEELY		
Inventor's Signature						Date
Residence: City		State		Country		Citizenship
Surrey		British Columbia		Canada		Canadian
Mailing Address						
19596 96th Avenue						
City		State		Zip		Country
Surrey		British Columbia		V4N 4C3		Canada
<input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on the <u>1</u> supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.						

DECLARATION	ADDITIONAL INVENTOR(S) Supplemental Sheet
Page <u>1</u> of <u>1</u>	

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Gabriel		GAVRIL	
Inventor's Signature <i>Gabriel Gavril</i>		Date	
Residence: City Burnaby	State British Columbia	Country Canada	Citizenship Canadian
Mailing Address 2009 Birch Grove			
Mailing Address			
City Burnaby	State British Columbia	Zip V5A 4A3	Country Canada
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Tamara		SPENCE	
Inventor's Signature <i>T. Spence</i>		Date August 9/05	
Residence: City Abbotsford	State British Columbia	Country Canada	Canadian Citizenship
Mailing Address 36192 Cassandra Drive			
Mailing Address			
City Abbotsford	State British Columbia	Zip V3G 2M6	Country Canada
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
John P.		HARTLEY	
Inventor's Signature <i>John P. Hartley</i>		Date August 16/05	
Residence: City Blaine	State WA	Country USA	Citizenship USA
Mailing Address 8894 Giles Road			
Mailing Address			
City Blaine	State WA	Zip 98230	Country USA

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.83. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:		
Lhote et al.	:	Art Unit:	Not yet assigned
Serial No.	10/564,366	:	Examiner: Not yet assigned
I.A. Filing Date:	12/06/2004	:	Atty Dkt: 6222.480
For:	PRESSURE RELIEF EXHAUST BRAKE		

**DECLARATION OF WILLIAM C. SCHROT IN SUPPORT
OF PETITION FOR NON-SIGNING INVENTOR**

EXHIBIT D

BERENATO, WHITE & STAVISH

ATTORNEYS AT LAW

A LIMITED LIABILITY COMPANY

6550 ROCK SPRING DRIVE

SUITE 240

BETHESDA, MARYLAND 20817

TELEPHONE: (301) 896-0600

FACSIMILE: (301) 896-0607

WWW.BWSIPLAW.COM

JOSEPH W. BERENATO, III*
JOHN M. WHITE D
MATTHEW W. STAVISH
MATTHEW F. JOHNSTON
WILLIAM C. SCHROT*
DAVID S. TAYLOR

GEORGE AYZAZOV, PH.D.
REG. PATENT AGENT

VIRGINIA OFFICE
P. O. Box 315
WATERFORD, VA 20197

D OF COUNSEL
* NOT ADMITTED IN MD

May 30, 2006

Via Federal Express

Mr. Andre F. Lhote
2992 Byrne Road
Burnaby, British Columbia V5J 3H9
Canada

Re: International Patent Application No. PCT/CA04/02080
(U.S. Application Serial No. 10/564,366)
Title: Pressure Relief Exhaust Brake
Our Ref: 6222.480

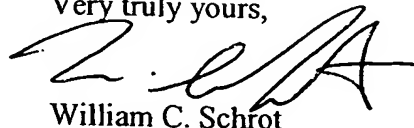
Dear Mr. Lhote:

Enclosed is a copy of the above-referenced patent application, which entered the national phase before the United States Patent & Trademark Office on January 12, 2006.

Also enclosed is a copy of a Declaration for your signature as co-inventor. Please sign and date the Declaration, and return the executed Declaration to our office in the postage paid, addressed envelop provided.

Should you have any questions regarding the above, please do not hesitate to contact our office.

Very truly yours,



William C. Schrot

Enclosures

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :

Lhote et al. : Art Unit: Not yet assigned

Serial No. 10/564,366 : Examiner: Not yet assigned

I.A. Filing Date: 12/06/2004 : Atty Dkt: 6222.480

For: PRESSURE RELIEF EXHAUST BRAKE

**DECLARATION OF WILLIAM C. SCHROT IN SUPPORT
OF PETITION FOR NON-SIGNING INVENTOR**

EXHIBIT E

BERENATO, WHITE & STAVISH

ATTORNEYS AT LAW

A LIMITED LIABILITY COMPANY

6550 ROCK SPRING DRIVE
SUITE 240

BETHESDA, MARYLAND 20817

TELEPHONE: (301) 896-0600

FACSIMILE: (301) 896-0607

WWW.BWSIPLAW.COM

JOSEPH W. BERENATO, III *
JOHN M. WHITE *
MATTHEW W. STAVISH
MATTHEW F. JOHNSTON
WILLIAM C. SCHROT *
DAVID S. TAYLOR

GEORGE AYVAZOV, PH.D.
REG. PATENT AGENT

VIRGINIA OFFICE
P. O. Box 315
WATERFORD, VA 20197

* OF COUNSEL
* NOT ADMITTED IN MD

June 21, 2006

Via Federal Express

Mr. Andre F. Lhote
2992 Byrne Road
Burnaby, British Columbia V5J 3H9
Canada

Re: International Patent Application No. PCT/CA04/02080
(U.S. Application Serial No. 10/564,366)
Title: Pressure Relief Exhaust Brake
Our Ref: 6222.480

Dear Mr. Lhote:

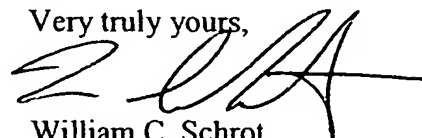
A copy of the above-referenced patent application was sent to you via Federal Express by letter dated May 30, 2006, along with a copy of a Declaration for your signature as co-inventor.

We have not yet received the executed Declaration. If not yet sent, please sign and date the Declaration, and return the executed Declaration to our office.

For your convenience, enclosed is another copy of the subject patent application, along with another copy of the Declaration. Also enclosed is a postage paid, addressed envelop in which the executed Declaration may be sent.

Should you have any questions regarding the above, please do not hesitate to contact our office.

Very truly yours,



William C. Schrot

Enclosures

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:		
Lhote et al.	:	Art Unit:	Not yet assigned
Serial No.	10/564,366	:	Examiner: Not yet assigned
I.A. Filing Date:	12/06/2004	:	Atty Dkt: 6222.480
For:	PRESSURE RELIEF EXHAUST BRAKE		

**DECLARATION OF WILLIAM C. SCHROT IN SUPPORT
OF PETITION FOR NON-SIGNING INVENTOR**

EXHIBIT F

Pull to open

1 of 1

FedEx

WRG ADDR 14:57
22 JUN 06 14:57
Emp# 544044
Rt#: 128
Pcs: 1
Recpt Addr: 29928YRNE RD INCD8801 APT/STE
Pkg Trk#: 790473555585

Mr Such 2992

FedEx | Ship Manager | Label 7

From: Origin ID: OBTA (301) 896-0600
Joseph Berenato, III
Berenato, White, & Slavish
6550 Rock Spring Drive
Suite 240
Bethesda, MD 20817
UNITED STATES

Insert
airbill
here

CORRECTED

ADDRESS

OFD

7/4/6

V5J3H9

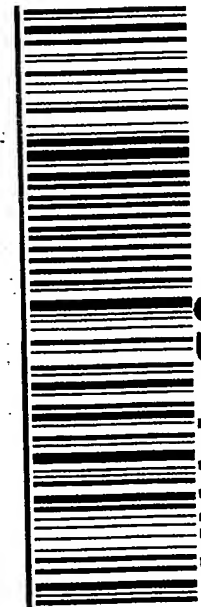
4992 Byrne Rd

Buena Vista
V5J3H9

INITIALS

AP

Items were exported
under U.S. Customs
regulations. Over-
weight and in-
correctly packed
items may be
damaged in your ship.



V5J3H9 - BC-CA

8B YVRA

YVR

A2

RA

YVR

A2

PRIORITY OVERNIGHT

FedEx
emp: 133209 30 JUN 06

TRK# 7904 7355 5585

FORM 0430

BILL SENDER

DESC: 3
EEI: NO EEI 30.36
COUNTRY MFG: US
CARRIAGE VALUE: 0.00 USD
CUSTOMS VALUE: 1.00 USD
T/C: S 020062207
SIGN: Joseph Berenato, III
EIN/VAT:

IP ENVELOPE



FedEx RE ATP
04 JUL 06 10:23
Emp#: 278386 Rt#: 124
Attempted Delivery: 10:23
Reattempt Delivery: 17:00 on 05 JUL
Recpt Addr: 4992 BYRNE ROAD
Pkg Trk#: 790473555585
RCPT NOT IN/BUSINESS CLOSED

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:		
Lhote et al.	:	Art Unit:	Not yet assigned
Serial No.	10/564,366	:	Examiner: Not yet assigned
I.A. Filing Date:	12/06/2004	:	Atty Dkt: 6222.480
For:	PRESSURE RELIEF EXHAUST BRAKE		

**DECLARATION OF WILLIAM C. SCHROT IN SUPPORT
OF PETITION FOR NON-SIGNING INVENTOR**

EXHIBIT G

BERENATO, WHITE & STAVISH

JOSEPH W. BERENATO, III*
JOHN M. WHITE*
MATTHEW W. STAVISH
MATTHEW F. JOHNSTON
WILLIAM C. SCHRÖT*
DAVID S. TAYLOR

GEORGE AYVAZOV, PH.D.
REG. PATENT AGENT

ATTORNEYS AT LAW
A LIMITED LIABILITY COMPANY
6550 ROCK SPRING DRIVE
SUITE 240
BETHESDA, MARYLAND 20817
TELEPHONE: (301) 896-0600
FACSIMILE: (301) 896-0607
WWW.BWSIPLAW.COM

VIRGINIA OFFICE
P. O. Box 315
WATERFORD, VA 20197

* OF COUNSEL
* NOT ADMITTED IN MD

July 5, 2006

Via Federal Express

Mr. Andre F. Lhote
4992 Byrne Road
Burnaby, British Columbia V5J 3H9
Canada

Re: International Patent Application No. PCT/CA04/02080
(U.S. Application Serial No. 10/564,366)
Title: Pressure Relief Exhaust Brake
Our Ref: 6222.480

Dear Mr. Lhote:

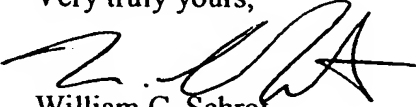
A copy of the above-referenced patent application was sent to you via Federal Express by letters dated May 30, 2006 and June 21, 2006, along with copies of a Declaration for your signature as co-inventor.

We have not yet received the executed Declaration. If not yet sent, please sign and date the Declaration, and return the executed Declaration to our office.

For your convenience, enclosed is another copy of the subject patent application, along with another copy of the Declaration. Also enclosed is a postage paid, addressed envelop in which the executed Declaration may be sent.

Should you have any questions regarding the above, please do not hesitate to contact our office.

Very truly yours,


William C. Schrot

Enclosures

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:		
Lhote et al.	:	Art Unit:	Not yet assigned
Serial No.	10/564,366	:	Examiner: Not yet assigned
I.A. Filing Date:	12/06/2004	:	Atty Dkt: 6222.480
For:	PRESSURE RELIEF EXHAUST BRAKE		

**DECLARATION OF WILLIAM C. SCHROT IN SUPPORT
OF PETITION FOR NON-SIGNING INVENTOR**

EXHIBIT H

William Schrot

From: Joe Berenato
Sent: Wednesday, July 05, 2006 4:55 PM
To: 'Ryan Marander'
Cc: William Schrot
Subject: RE: PCT/CA04/02080

Ryan: Thanks,
Joe

From: Ryan Marander [mailto:rmarander@pacbrake.com]
Sent: Wednesday, July 05, 2006 4:50 PM
To: Joe Berenato
Subject: RE: PCT/CA04/02080

Attention Joe Berenato,

We have now had a response from Andre Lhote regarding a copy of a declaration for his signature as co-inventor for Pacbrake's Pressure Relief Brake US patent application. This is your reference number 6222.480.

Andre returned the express package you originally sent to him on May 30, 2006 and gave it to Cathy Hailey, Pacbrake's purchasing manager. When Andre Lhote handed the package to Cathy his words were, "I can't sign this".

Please keep this in your records. I will forward on the unsigned express package to your office.

Thank you,

Sincerely,

Ryan Marander
Project Manager
Pacbrake

--
No virus found in this incoming message.
Checked by AVG Free Edition.
Version: 7.1.394 / Virus Database: 268.8.4/364 - Release Date: 6/14/2006

--
No virus found in this outgoing message.
Checked by AVG Free Edition.
Version: 7.1.394 / Virus Database: 268.9.9/382 - Release Date: 7/4/2006

7/10/2006

ANDRE CAME
BY:
SAID: HE
CANT SIGN
THIS.

JOSEPH
JOHN M
MATTHE
MATTHEW J. JORDISON
WILLIAM C. SCHROT*
DAVID S. TAYLOR

GEORGE AYVAZOV, PH.D.
REG. PATENT AGENT

RENATO, WHITE & STAVISH

ATTORNEYS AT LAW
A LIMITED LIABILITY COMPANY
6550 ROCK SPRING DRIVE
SUITE 240
BETHESDA, MARYLAND 20817
TELEPHONE: (301) 896-0600
FACSIMILE: (301) 896-0607
WWW.BWSIPLAW.COM

VIRGINIA OFFICE
P. O. Box 315
WATERFORD, VA 20197

OF COUNSEL
* NOT ADMITTED IN MD

June 21, 2006

Via Federal Express

Mr. Andre F. Lhote
2992 Byrne Road
Burnaby, British Columbia V5J 3H9
Canada

Re: International Patent Application No. PCT/CA04/02080
(U.S. Application Serial No. 10/564,366)
Title: Pressure Relief Exhaust Brake
Our Ref: 6222.480

Dear Mr. Lhote:

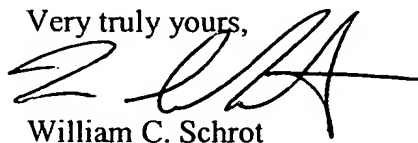
A copy of the above-referenced patent application was sent to you via Federal Express by letter dated May 30, 2006, along with a copy of a Declaration for your signature as co-inventor.

We have not yet received the executed Declaration. If not yet sent, please sign and date the Declaration, and return the executed Declaration to our office.

For your convenience, enclosed is another copy of the subject patent application, along with another copy of the Declaration. Also enclosed is a postage paid, addressed envelop in which the executed Declaration may be sent.

Should you have any questions regarding the above, please do not hesitate to contact our office.

Very truly yours,



William C. Schrot

Enclosures